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MEMORANDUM FOR THE FILES

From: S. Klaus

Subject: JIOA Meeting, June 13, 1946.

REVIEWED BY gtr DATE 7/18/81

RDS for XDS ☐ EXT. DATE

TS AUTH. June 13, 1946

EXISTING MARK ☐

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At the meeting today at 2:30 P.M. Colonel Hagood was absent and a Major Goughran came in his place. Two items were discussed. The cabled reply, discussed on Tuesday, and the Denial Program.

With respect to the former, Wev stated that JIS had rejected our document and insisted on "a paper." Captain Duborg, arguing that we should answer the question on a military basis with respect to JCS directives covering Germany and Austria, made a formal motion to reply in the affirmative with respect to German and Austrian nationals. The others concurred and I refused to concur. I gave my reasons as those stated in the dissent of Mr. Langer and added that neither the Committee nor JIC nor JCS had any authority to violate the international agreements covering our occupation of Austria or Germany and that we should tell JIS that we rejected their request. It was agreed that a majority ~~of the~~ paper would be prepared and submitted to me and that I would frame an appropriate dissent. I also stated that it seemed to me that if any such conduct was proposed, the question would have to be raised within the State Department to bring the matter to the attention of the Secretaries in the Cabinet or the President.

On the Denial Program, Hagood presented a revision of the appendix of Wev and Duborg presented another. Cranford said he substantially agreed with Wev.

I stated at length my criticisms of all the documents, pointing out that they were based on misapprehensions of the law and of the State Department's jurisdiction; that they were not in accordance with our understanding that we would present a denial program and not a re-consideration of the immigration program; and that my position was substantially that set forth in the memorandum I had submitted dated May 27, 1945. I pointed out that Wev's discussion improperly took Flinn's

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memorandum to be a statement of the State Department's requirements; that it improperly took my legal memorandum as a statement of demands by the State Department for a contract and contract provisions; that it was wrong as to the law on the Secretary of State's power to waive visas; that on policy the Secretary of State could hardly be expected to waive security requirements which, in any event, were imposed by law and not by him. I stressed further that neither the Navy nor the Army other than the Air Corps had submitted any individual applicants. There was other discussion as to State Department's obligation to facilitate which I pointed out meant facilitation such as was being applied in the DP program but could not mean a violation of the immigration laws and I stressed further that it called for cooperation from the other Departments by the submission of names and other material which they, so far, had not done. Captain Duborg made the point that the Navy was interested in denial by immigration, but not for exploitation purposes. I said that this raised a great security question which certainly would call for considerable debate at much higher levels. It was finally agreed that each of us would submit at the next meeting a denial program paper.

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